## IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

FAIROFFERCASHNOW, INC.  Debtor	) Case No. 3:24-bk-03495 ) Chapter 11 ) Judge Charles M. Walker
FAIROFFERCASHNOW, INC.	) )
Plaintiff, v.	Adversary Proceeding Case No. 3:24-ap-90155
JUSTIN CUTLER, and EQUITY TRUST COMPANY,	) ) )
Defendants.	) ) )
JUSTIN CUTLER,	· ) )
Counter Plaintiff / Third Party Plaintiff	) )
v.	) )
FAIROFFERCASHNOW, INC., BRADLEY SMOTHERMAN, and CASEY SMOTHERMAN,	) ) )
Counter Defendants / Third-Party Defendants.	)

## MOTION TO DISMISS THIRD-PARTY COMPLAINT

Third-Party Defendants Bradley Smotherman ("Mr. Smotherman") and Casey Smotherman ("Mrs. Smotherman," and together with Mr. Smotherman, the "Smothermans") respectfully file this *Motion to Dismiss Third-Party Complaint* (this "Motion") pursuant to Fed. R. Civ. P. 12(b) and 14, made applicable hereto by Fed. R. Bankr. P. 7012 and 7014.

As required by Fed. R. Bankr. P. 7012(b), the Smothermans hereby state within this responsive pleading that they <u>do not</u> consent to entry of final orders or judgment by the Bankruptcy Court.

The Smothermans further support the Motion with the memorandum of law filed contemporaneously herewith and incorporated herein by reference.

Respectfully Submitted,

/s/ Gray Waldron

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that on March 17, 2025, a copy of the foregoing was sent to the parties as indicated below:

## **Via First Class Mail and Email to:**

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> <u>/s/ Gray Waldron</u> Gray Waldron